

(3)

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

RUSSELL TINSLEY  
Petitioner,

v.

COURT OF COMMON PLEAS, et. al.,  
Respondents.

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CIVIL ACTION

No. 11-6174

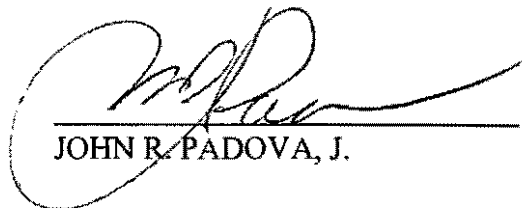
ORDER

JOHN R. PADOVA, J.

AND NOW, this 16<sup>th</sup> day of Nov., 2011, upon careful and independent consideration of the petition for a writ of habeas corpus, and after review of the Report and Recommendation of United States Magistrate Judge Timothy R. Rice, IT IS ORDERED that:

1. The Report and Recommendation is APPROVED and ADOPTED.
2. The petition for a writ of habeas corpus is DISMISSED without prejudice for failure to exhaust state remedies.
3. There is no probable cause to issue a certificate of appealability.
4. The Clerk of the Court shall mark this case closed for statistical purposes.

BY THE COURT:

  
JOHN R. PADOVA, J.